

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 25, 2006**

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J., Rothschild, J. and S. Stahl,  
Deputy Clerk.

Each of the following:

B175018     Moore v. Avaya, Inc.  
B175530     Armenta v. Mueller Co., et al.  
B177656     Perrera et al. v. Windsor

Argument waived, cause submitted.

B177543     Ma  
                 v.  
                 Johnson

Merits:

Argued by Peter M. Fonda for respondent. Appellant waived argument.  
Cause submitted.

Mallano, J., leaves the bench.

B178635     Norton  
                 v.  
                 Norton

Merits:

Argued by Phillip Norton, appellant in propria persona. Respondent  
waived argument. Cause submitted.

DIVISION ONE (Continued)

Mallano, J., returns to the bench.

B182889     Muskin  
              v.  
              City of Beverly Hills

Merits:

Argued by Kurt L. Schmalz for appellant and by Saskia T. Asasmura for respondent. Cause submitted.

B183719     Voylokov  
              v.  
              Voylokov

Merits:

Argued by Vyacheslav Voylokov, appellant in propria persona. No appearance for respondent. Cause submitted.

B175952     Jibilian et al.  
              v.  
              Franchise Tax Board

Merits:

Argued by Derek L. Tabone for appellants and by Elisa B. Wolfe-Donato, Deputy Attorney General, for respondent. Cause submitted.

Mallano, J., leaves the bench.

B176537     Kaufman  
              v.  
              Diaz

Merits:

Argued by Frances Diaz, appellant in propria persona and by Andrew J. Waxler for respondent. Cause submitted.

DIVISION ONE (Continued)

Mallano, J., returns to the bench.

Spencer, P.J., leaves the bench.

B178743      Coalinga Regional Medical Center  
                 v.  
                 Department of Health Services

Merits:

Argued by Thomas J. Weiss for appellant and by Richard T. Waldow,  
Deputy Attorney General, for respondent. Cause submitted.

Spencer, P.J., returns to the bench.

Vogel, J., leaves the bench.

B173230      McMurray  
                 v.  
                 The City of Burbank

Merits:

Argued by Julie L. Woods for appellant and by Norman Pine for  
respondent. Counsel for appellant and respondent shall file letter briefs by  
February 1, 2006. Submission deferred until February 1, 2006.

B173832      Michael  
                 v.  
                 Denbeste Transportation et al.

Merits:

Argued by David J. Cooper for appellant, by John J. Stumreiter for  
respondent Denbeste Transportation, by Nick Gedo for respondent Secor  
International, Inc. and by J. Patrick Jacobs for respondent Chemical Waste  
Management et al. Cause submitted.

Court adjourned.

January 25, 2006 (Continued)

## DIVISION ONE (Continued)

B180920      People                                  (Not for Publication)  
v.  
Brock E. O'Kennard

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:   Mallano, Acting P.J.  
                      Rothschild, J.

B179906      People                                  (Not for Publication)  
v.  
Jeffrey L. Glore

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Mallano, J.

B187033      Jesse L., Sr.,      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Dept. of Children and Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Rothschild, J.

DIVISION TWO

B182082      Environmental Charter High School      (Not for Publication)  
v.  
Centinela Valley Union High School District

The order denying Centinela's motion for attorney fees is affirmed.  
Environmental shall recover its costs on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
Doi Todd, J.

DIVISION THREE

B180454      Dubin      (Not for Publication)  
v.  
Arnold, et al.

The judgment from which defendants have appealed is affirmed. Costs on  
appeal to plaintiff.

Croskey, Acting P.J.

We concur:    Kitching, J.  
Aldrich, J.

B186314      Sandra M.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(L.A. County Department of Children and Family Services, r.p.i.)

The Petition is denied.

Croskey, J.

We concur:    Klein, P.J.  
Kitching, J.

DIVISION THREE (Continued)

B183269      American Alternative Ins. Corp., et al.      (Certified for Publication)

v.

Superior Court, Los Angeles County  
(Aero Falcons, LLC, et al., r.p.i.)

The petition is denied. The order to show cause is discharged. Aero Falcons and Sands Media are entitled to recover their costs in this original proceeding.

Croskey, J.

We concur:   Klein, P.J.  
                   Kitching, J.

DIVISION FOUR

B180923      People      (Not for Publication)

v.

Greer

The judgment is affirmed.

Hastings, Acting P.J.

We concur:   Curry, J.  
                   Willhite, J.

B183283      Los Angeles County, D.C.S.      (Not for Publication)

v.

Zsigmond Z.

The jurisdictional and dispositional orders are affirmed.

Hastings, J.

We concur:   Epstein, P.J.  
                   Willhite, J.

We concur: Epstein, P.J.  
Curry, J.

Hastings, J.

We concur: Epstein, P.J.  
Curry, J.

## DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Curry, J.

B179129      Clement      (Not for Publication)  
v.  
Kaiser Foundation Health Plan, Inc. et al.

The portion of the judgment in favor of the Kaiser respondents dismissing the action against them in case number LC065501 is reversed. The portion of the judgment in favor of Lorna Burkhead and Timothy Horita dismissing the actions against them in case numbers LC065815 and LC066218 is affirmed. Each party is to bear its own costs on appeal.

Curry, J.

We concur: Epstein, P.J.  
Willhite, J.

B177811      Ingrassia                      (Not for Publication)  
B179497      v.  
Fortunato

The order directing Ilene to pay Anthony expert witness fees as trial court costs is reversed. The judgment is affirmed in all other aspects. Each party is to bear his or her own costs on appeal.

Hastings, Acting P.J.

We concur: Curry, J.  
Willhite, J.



DIVISION FIVE

B173070      Henry Gackstetter                      (Certified for Partial Publication)  
                 v.  
                 Patrick Frawley

The judgment is reversed as to Henry Gackstetter's recovery against defendants Patrick Frawley, et al. and affirmed as to Cross-Complainants' Patrick Frawley, et al.'s recovery on their First Amended Cross-Complaint against Henry Gackstetter in the amount of \$52,000. The matter is remanded to the trial court to enter a judgment dismissing the Amended Complaint of Henry Gackstetter and awarding Patrick Frawley, et al. \$52,000 against Henry Gackstetter. Appellants and Cross-respondents Patrick Frawley et al. shall recover their costs on appeal.

Mosk, J.

We concur:    Turner, P.J.  
                         Armstrong, J.

DIVISION SIX

B183840      Department of Social Services                      (Not for Publication)  
                 v.  
                 Kathleen D.

The judgment (order terminating parental rights) is affirmed.

Coffee, J.

We concur:    Yegan, Acting P.J.  
                         Perren, J.

B184246      Santa Barbara County Child Protective Services,  
                 v.  
                 Alejandro R.,

Filed order dismissing appeal.

We concur: Gilbert, P.J.  
Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

We concur:   Gilbert, P.J.  
                      Coffee, J.

## DIVISION SIX (Continued)

B177351      Wolf      (Not for Publication)  
v.  
Wolf

The order denying Christine's motion to set aside the judgment pursuant to section 2122 is affirmed. Dick shall recover his costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

[illegible]

The true finding on count one of the petition (possession of marijuana) is reversed. The true finding on count two of the petition (resisting an officer) is affirmed. On remand, the court shall enter an order granting Samuel's motion to suppress and shall conduct further appropriate proceedings.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B175149      David J. Dunn      (Certified for Publication)  
v.  
County of Santa Barbara

Judgment in favor of the County on Dunn's regulatory takings claims and his claims for violations of his substantive due process, equal protection, and civil rights is reversed. In all other respects, the judgment is affirmed. The parties shall bear their own costs on appeal.

Perren, J.

We concur:   Gilbert, P.J.  
                      Coffee, J.

DIVISION SIX (Continued)

B178046 People (Certified for Partial Publication)  
v.  
Crites

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

B181106 People v. King (Not for Publication)

The judgment is reversed and the cause remanded to the trial court. Upon motion by defendant within 30 days of the date the remittitur is filed in the trial court, the court shall vacate appellant's guilty plea. The court shall then grant appellant's motion to suppress evidence. If appellant does not move to withdraw his plea within 30 days of the filing of the remittitur in the trial court, the court shall reinstate the judgment.

Yegan, J.

We concur:   Gilbert, P.J.  
                      Coffee, J.

B177938 People (Not for Publication)  
v.  
Cesar B.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

DIVISION SIX (Continued)

B179729 People (Not for Publication)  
v.  
Lagunas

The judgment is modified to include an award of 92 days of presentence conduct credits in addition to the 614 days of actual custody time already awarded. The superior court shall prepare an amended abstract of judgment and forward a copy to the Department of Corrections. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

## DIVISION SEVEN

B181034	International Gift & Confections Limited v. Hunt et al.,	(Not for Publication)
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The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.  
Johnson, J.

B171603      Torossian      (Not for Publication)  
v.  
Gazarian

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Johnson, Acting P.J.  
Woods, J.

## DIVISION SEVEN (Continued)

B183621 People (Not for Publication)  
v.  
Rish

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.  
Woods, J.

B180615      Raine      (Certified for Publication)  
v.  
City of Burbank et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.